

WASHINGTON, D.C. – Representative Xavier Becerra (CA-31), author of H.R. 5102, the Medicare Drug Formulary Protection Act, and the only congressional member from Southern California on the House Committee on Ways and Means, issued the following statement today upon learning of the new Centers for Medicare and Medicaid Services (CMS) guidelines that prohibit prescription drug plan providers from arbitrarily removing certain drugs from their formularies:

“Medicare Part D beneficiaries were given a significant victory today. By issuing this new ruling, CMS has stated that if seniors can’t change their drug plans without penalty, then drug plan providers certainly shouldn’t be able to significantly alter the drugs they offer them. The onus is now on CMS to enforce this sensible, easy fix that ensures seniors receive the drugs for which they signed up.”

Senator Dianne Feinstein and a bipartisan group of her colleagues introduced S.2255, the Medicare Drug Formulary Protection Act, in early February. Rep. Becerra introduced the House companion, H.R. 5102, on April 5. Currently, 59 of Rep. Becerra’s colleagues have co-sponsored his bill.

“I continue to praise Senator Feinstein for her leadership in first finding this flaw with the Part D program and then having the wherewithal to write legislation to fix it,” Rep. Becerra said. “Today’s guidelines, though not Congressionally-written into the letter of law, most certainly adhere to the spirit of the Medicare Drug Formulary Protection Act, and will hopefully achieve a closer level of parity between provider plans and beneficiaries that was previously absent in the Part D program.”

Under the Medicare Drug Formulary Protection Act, Medicare prescription drug plans would be prohibited from removing a drug from their formulary until the beginning of each calendar year. If a prescription drug plan wishes to change its formulary, it can do so at the end of the year during the open enrollment period. The plan must notify its enrollees of the formulary changes so seniors can then decide whether to stick with that plan or switch to a different one. The bill also ensures that a drug like Vioxx can be removed expeditiously if it is shown to be harmful.

“I applaud CMS for today’s ruling, but nevertheless challenge the agency to enforce these guidelines so that the spirit of this ruling is not rendered to just words on paper,” Rep. Becerra said.

Becerra.House.gov